

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

GASTRONOMICAL WORKERS UNION
LOCAL 610 & METROPOLITAN
HOTEL ASSOCIATION HEALTH AND
WELFARE FUND AND ITS TRUSTEES
REBECA MORALES, HÉCTOR
OTERO-JIMÉNEZ, DAVID CARDONA,
JOSÉ COLÓN

and

GASTRONOMICAL WORKERS UNION
LOCAL 610 & METROPOLITAN
HOTEL ASSOCIATION
PENSION FUND AND ITS TRUSTEES
REBECA MORALES, HÉCTOR
OTERO-JIMÉNEZ, DAVID CARDONA,
MARÍA VICTORIA FERNÁNDEZ
ASLI TANER

Plaintiffs

vs

CIVIL 04-2425CCC

CLUB DEPORTIVO DE PONCE, INC.

SERVE:
JOSE CANGIANO, PRESIDENT
CLUB DEPORTIVO DE PONCE, INC.
P.O. BOX 7476
PONCE, PR 00732

Defendant

ORDER

Upon the Motion for Execution of Judgment filed by plaintiffs (**docket entry 11**) for the execution of the Default Judgment entered by this Court on April 5, 2005 (see docket entry 10) and it appearing from the records of the Court and from plaintiffs' motion that the defendant has failed to pay to the plaintiffs the sums of money adjudged to be paid under the said judgment;

And it appearing further that more than ten days have elapsed since the entry of judgment;

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IT IS HEREBY ORDERED that Clerk of the Court issue a Writ of Execution to the United States Marshal, in order to proceed forthwith and attach personal and/or real estate property of the defendant described herein, enough to satisfy the amounts owed to plaintiffs, the principal amount of \$49,131.54 and interest until the complete payment, plus attorney's fees in the amount of \$4,100.00, plus costs in the amount of \$1,279.17, as well as any additional reasonable attorney's fees and costs incurred thereafter in connection with this case until the Judgment is fully executed; defendant must pay plaintiffs additional interest calculated at the prime rate of the Funds' custodian bank on each January 1st plus two per cent (2%), in accordance with the Fund's governing documents, on the amount of any delinquent monthly contributions awarded in the Judgment or after March 31, 2005, due from March 15, 2005 or the date the contribution was due; defendant shall also pay to plaintiffs additional liquidated damages equal to twenty (20%) percent of the amount of any additional monthly delinquent contributions due for the period covered by the complaint.

The Marshal of the Court may attach the following property:

- (a) personal property of defendant located inside or outside the property of the defendant;
- (b) real estate property owned by defendant;
- (c) stock, shares, bonds, accounts receivables, savings certificates, promissory notes, money in cash or other values owned by defendant;
- (d) monies and/or funds deposited on any bank account owned by defendant; to be deposited in the account of the Marshal of the United States District Court for the District of Puerto Rico;
- (e) monies under the custody of unknown third parties, being cash, due and payable to defendant, the Marshal in charge of the attachment must be informed that after he seize the funds or property he must proceed to deposit the funds in the account of the Marshal of the United States District Court for the District of

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Puerto Rico, the Marshal must advise third parties to whom he serve a copy of this Order that the amounts that will become due and payable to defendant in the future and are not due and payable to this date must be deposited in the Clerk of the Court at the same moment that it became due and payable, the Marshal must advise third parties that if they do not obey and observe this Order they may incur in contempt to the Court;

- (f) monthly or annual fees paid or to be paid by members of the Club Deportivo;
- (g) Motor vehicles owned by defendant;

SO ORDERED.

San Juan, Puerto Rico, on January 19, 2006.

S/CARMEN CONSUELO CEREZO
United States District Judge